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BY HAND

Ms. Lisa Urso
Clerk for the Honorable Rya W. Zobel
United States District Court
For The District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

Re: Babcock Borsig Power GmbH v. Babcock Power, Inc.
Civil Action No. 04-10825 RWZ

Dear Ms Urso:

Defendant and third-party plaintiff, Babcock Power, Inc., requests a Rule 16 pre-trial conference at the Court's earliest convenience. Counsel for the parties conferred on May 19, 2005 for the purpose of providing a proposed pretrial schedule to the Court. The parties have reached an agreement on the schedule, which is being submitted to the Court by counsel for the plaintiff. But plaintiff's counsel have recently indicated that their initial witness, who will direct defendant to the location of relevant documents and witnesses, will not be available for deposition until at least August 2005. We are concerned about the possibility for delay that might result and request a conference to assist in securing the most efficient and expedited conduct of this litigation.

Very truly yours,



Steven J. Comen

cc: Kenneth M. Bello, Esq. *(By facsimile)*